

# Hawaiian Gazette.

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HONOLULU, H. I. TUESDAY, NOVEMBER 19, 1895—SEMI-WEEKLY.

WHOLE NO. 1707.

## Hawaiian Gazette.

SEMI-WEEKLY.

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W. R. FARRINGTON, EDITOR.

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## THE KAHUNA CAPTURED

A Good Feast of Awa Costs Money.

## A FAKIR FINED THE LIMIT.

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### RUBBER STAMPS

At Gazette Office.

spots where the swelling appears. When the application dries apply more water. Do this all in soberest mood and at nightfall your friend will rise as a new man."

"But there is one part which I have not told," said the woman Pahupu. "Before these instructions were given, Kahaleole asked for a dollar. He said a dollar was necessary in order that he might be able to look into the mysterious abode of spirits and learn the bidding of the bosses thereof.

Kahakumaka, the sick man's wife, threw a dollar at her husband. The sick man grasped the coin and threw it nearer to the Kahuna, who took it and delivered himself as follows: "This dollar my beloved I intend to spend mostly for refreshment with which to strengthen my body and thus my spirits in the interest of that poor man. The remainder I intend to put in the contribution box at the Catholic cathedral. Blessed be the dollar, and that is the last I or anyone else ever saw of that particular coin. He left us while the wind began to play sundry tunes through the branches of the algaroba trees, and with the early piping of the little birds, the patient died.

As the woman finished her story Kahaleole sighed and gazed at an ant on the floor while Judge Perry fined him \$100 for maintaining and conducting a game of lottery known as kahuna.

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## THE BARONESS IS FREE.

Robert Wilcox's Wife Secures a Divorce

## A WIFE DESERTED IN HONOLULU.

Consul-General Mills' Nuptials—Lucien Young Writes a Book—The Pacific Cable—The Hawaiian Hotel Lease A New Hotel May Be Built.

LONDON, Nov. 1—A dispatch to the Pall Mall Gazette from Rome today gives an account of the troubles which led to the divorce suit just brought by the Baroness Gine Sobrero, a brilliant writer, known under the nom de plume of "Mantea," against R. W. Wilcox, the Hawaiian revolutionary leader who was sentenced to death in January for the share which he took in the rebellion against the Republic of Hawaii, and whose sentence was afterwards commuted to thirty-five years imprisonment and \$10,000 fine.

The Baroness, it appears from testimony, met Wilcox in Turin, to which city he had been sent by the Hawaiian Government to study military tactics. He spent freely, and declared himself to be heir to the throne of Hawaii.

The Baroness was smitten with the Hawaiian, and succeed in obtaining the consent of her family to their marriage, which was eventually celebrated with great pomp.

The Baroness accompanied her husband to Hawaii, where, to her disgust and astonishment, she found Wilcox was really the son of a carpenter and a kanaka woman. After a number of more or less romantic adventures described by the Baroness in her testimony, she returned to Italy, where she succeeded in obtaining a dissolution of her marriage by the church on the ground that Wilcox was not a Catholic, and now she has just succeeded in obtaining a legal civil divorce on the ground of "mistaken identity," the sum and substance of which is that Wilcox, in order to marry her, misrepresented his position.

## HIS VIEWS ON HAWAII.

Lieutenant Young's Ideas About the Kanaka Kingdom.

WASHINGTON, Nov. 7.—Naval Lieutenant Lucien Young denied to-night that the President had directed that his book on "Hawaii and the Hawaiian Question" should be suppressed, or that any of his superior officers had in any way attempted to interfere with its publication. Stories to this effect had been sent out by Lieutenant Young said: "If the President or Secretary of the Navy has taken any action I haven't heard of it, and I think I'd be apt to be given early information of the fact."

"Are you going to publish it?"

"Yes."

"When?"

"I don't know."

"What is its principal characteristic?"

"It's hot stuff."

Lieutenant Young was in Hawaii with Admiral Walker after the revolution, and delivered a red-hot annexation speech on July 4th. After Paramount Commissioner Blount made his report Lieutenant Young criticised it and the Administration's policy.

These strictures came to the ears of Secretary Herbert, and he politely but firmly insisted that Lieutenant Young should remember his duty as an officer and be more guarded in his remarks in relation to the President and the Administration's policy. Now Young has put his views in the form of a book.

## THE PACIFIC CABLE.

Meeting in London of Those Actively Interested in Its Early Completion.

LONDON, Oct. 29.—The Pacific cable scheme, advocated by a number of British colonies and the Dominion of Canada, made a decided advance today at a meeting of the representatives here of Canada, Australia, New Zealand and the South African colonies. The meeting was held at the office of Sir Charles Tupper, the Canadian High Commissioner, and the chief point discussed was the joint attitude of the colonial representatives. The new instructions sent by the colonies to their agents' general, show that the colonies are for the most part willing to bear their share of the expenses of the cable, and that they are anxious the matter should be actively pushed. Upon the return of the Right Hon. Joseph Chamberlain, Secretary of State for the Colonies, a date will be fixed for a conference at the Colonial Office, upon which occasion it is expected definite action will be taken.

It was felt by the meeting that the exclusive concessions of Hawaii to an American cable company, if ratified, would increase the cost of the proposed Pacific cable, as the line would have to be landed at some other point.

## THE BIG HAWAIIAN HOTEL.

Macfarlane says Warfield Was Not Authorized to Apply for the Lease.

E. Macfarlane, one of the lessees of the Royal Hawaiian Hotel, Honolulu, was a passenger on the steamer Australia, which arrived from the Hawaiian Islands yesterday, says the S. F. Chronicle of Nov. 4th. When seen at the Occidental Hotel yesterday afternoon Mr. Macfarlane denied that R. H. Warfield, manager of the California Hotel in this city, had been authorized by himself or his brother, Colonel George Macfarlane, to nego-

tiate for a renewal of the hotel lease from the Government.

"In the first place, George Macfarlane has no longer any interest in the hotel," he said, "and has no authority to negotiate with any one in matters pertaining to its management. The hotel passed into my hands about twelve months ago. It is true that there will be a change in the management of the Hawaiian Hotel as soon as the present lease expires, which will be in the near future. A syndicate is being formed to buy the hotel property from the Government. If we cannot buy the hotel we may build another caravan of equally spacious proportions."

## A Marriage Announcement.

WASHINGTON, Nov. 7—Cards are out for the marriage of Ellis Mills, United States Consul-General and Secretary of the Legation at Honolulu, to Cora Ritchie, daughter of Benjamin Franklin Nalle, at the residence of the latter, Bellevue, Rapides, Va., next Saturday.

## DESERTED IN HONOLULU.

Wife of a San Jose Carpenter Has a Story of Extreme Cruelty to Tell.

SAN JOSE, Oct. 29.—Court Commissioner Montgomery today filed his report in the divorce suit of Celia R. Houseley against Samuel F. Houseley. The parties have been married fifteen years and have a daughter 15 years old.

In her complaint the wife alleged that, a year or so ago, Houseley, who is a carpenter by trade, took his family to Honolulu and there deserted them. Mother and daughter finally managed to get back to San Jose. After a while Houseley began to write to his daughter, and in one of his letters said he would return home if his wife would send him money enough to come with. Mrs. Houseley says she succeeded in raising the money with considerable difficulty and sent it to him.

Houseley returned to California, but instead of coming to San Jose went to Los Angeles, where he is still supposed to be. A divorce is asked for on the grounds of failure to provide, desertion and drunkenness. The defendant has failed to file an answer to the suit.

## A CLAIM AGAINST HAWAII.

Another British Subject Who Wants Damages.

VICTORIA, B. C., Nov. 6.—Captain F. D. Walker, late of Honolulu, through Attorney Frank Higgins, of this city, has petitioned the British government for redress and pecuniary compensation for damages sustained in consequence of petitioners having been detained as a revolutionary suspect by the Hawaiian Government. The captain established his innocence, but for damage to character and business asks compensation to the amount of \$5000.

## THANKSGIVING DAY.

The Usual Proclamation Issued by President Cleveland.

WASHINGTON, Nov. 4.—President Cleveland today issued his proclamation designating Thursday, November 28th as Thanksgiving day. The proclamation is as follows:

The constant goodness of Almighty God, which have been vouchsafed to the American people during the year just past, call for the sincere acknowledgement of devout gratitude. To the end, therefore, that we may with thankful hearts extolling the loving care of our Heavenly Father, I, Grover Cleveland, President of the United States, do hereby appoint and set apart Thursday, the 28th day of the present month of November, as a day of thanksgiving and prayer, to be kept and observed by all our people.

On that day let us forgo our usual occupations, and in our usual places of worship join in rendering thanks to the Giver of every good and perfect gift for the bounteous returns that have rewarded our labors in the fields and in the busy marts of trade, for the peace and order that have prevailed throughout the land, for our protection from pestilence and dire calamity and for other blessings that have been showered upon us from His open hand.

And with our thanksgiving let us humbly beseech the Lord to so incline the hearts of our people unto Him that He will not leave us nor forsake us as a Nation, but will continue to us His mercy and protecting care, guiding us in the path of national prosperity and happiness, endowing us with rectitude and virtue and keeping alive within us that patriotic love for free institutions which has been given us as our national heritage.

And let us also on the day of our thanksgiving especially remember the poor and needy, and by deeds of charity let us show the sincerity of our gratitude.

GROVER CLEVELAND.

By the President:

RICHARD OLNEY,

Secretary of State.

Jack Dempsey is Dead.

PORTLAND, Nov. 1.—Jack Dempsey, the well-known pugilist, died at his residence in this city this morning of consumption.

## HOW TO PREVENT CROUP.

SOME READING THAT WILL PROVE INTERESTING TO YOUNG MOTHERS HOW TO GUARD AGAINST THE DISEASE.

Croup is a terror to young mothers and to them concerning the cause, first symptoms and treatment is the object of this item. The origin of croup is a common cold. Children who are subject to it take cold very easily and croup is almost sure to follow. The first symptom is hoarseness, this is soon followed by a peculiar rough cough, which is easily recognized and will never be forgotten by one who has heard it. The time to act is when the child first becomes hoarse. If Chamberlain's Cough Remedy is freely given all tendency to croup will soon disappear. Even after the croupy cough has developed it will prevent the attack. There is no danger in giving this remedy for it contains nothing injurious. For sale by all dealers. BENSON, SMITH &amp; CO., agents for H. L.

BERLIN, Nov. 4.—The Vossische

## FOREIGN NEWS BUDGET.

## A Republican Victory at the Polls.

## TO CHECK TURKISH ATROCITIES.

The Venezuela Affair—Revolt in Northern China—The Lenz Murderers—Indemnity to Be Paid Japan—Result of the Libe Investigation—Etc.

The elections held in the United States November 5th resulted in a sweeping victory for the Republican party. The returns are summarized by the Examiner as follows:

In Massachusetts Governor Frederick T. Greenhalge (R.) is re-elected by 63,444 plurality, or 933 votes less than his plurality last year. The Legislature is strongly Republican. Municipal suffrage for women was defeated by a majority estimated at over 75,000.

In New York there is no change in the estimated majority of \$2,000 for the Republican ticket. The Legislature is Republican. In New York city the majority for the Democratic State ticket is approximated at \$10,000 greater than the average of the majority for Tammany local candidates, which are from 25,000 for Schuyler for Recorder to 17,000 for Purroy for County Clerk. Brooklyn elects a Republican Mayor by 2214 plurality.

In Pennsylvania there is no change reported from the estimated 175,000 majority for Haywood (R.) for State Treasurer over Meyers (D.).

In Maryland the Republicans are estimated to have 18,000 plurality for the State ticket. The Republicans will have a majority on joint ballot in the Legislature. A Republican will be chosen to succeed Senator Gibson (D.).

In Virginia there is no change. New Jersey elected John W. Griggs (R.) Governor by a plurality of 27,983. A Republican Senator will succeed Senator Smith (D.). Ohio elected a straight Republican ticket. Bushnell's plurality for Governor being over 100,000. Coxey (Populist) received 25,000 votes. Ex Governor Foraker (R.) will be elected to succeed Senator Brice (D.).

In Kentucky the Republicans elected Bradley Governor by from 4,000 to 8,000. The Legislature appears to be sixty-five Democrats against sixty-nine opposition. The Populists hold the balance of power. Mississippi went Democratic by 50,000 majority. In Kansas and Nebraska, Republican candidates for judgeships were elected by large majorities. In Utah the full Republican ticket was elected, assuring two Republican United States Senators and two Republican Representatives to the next Congress.

In Illinois, the Eighteenth Congressional District, Hadley (R.) will have 3,000 majority over Lane (D.). In Cook county, which includes Chicago, the Republicans elected Bell to the Superior Court bench by 35,015 plurality, and all their candidates for drainage trustees.

In Deaver the Republican ticket is elected, with the exception of Treasurer and Assessor and possibly County Clerk. Detroit, Mich., and Baltimore, Md., went Republican by large majorities.

## WILL MOVE ON TURKEY.

The Powers Make Ready for Decisive Action Soon.

LONDON, Nov. 6.—The Porte has replied to the identical representations of the Powers that the reserves are being summoned to stop the outrages upon the Armenians. The Powers, however, consider that these measures are inadequate. It is rumored decisive European action is imminent.

A great demonstration was announced for Friday, but the Sultan, fearing the consequences, notified the Turkish newspapers of his intention to proclaim a constitution, whereupon the demonstration was countermanded.

The Sultan then ordered the papers not to publish the announcement and arrests began to be made. Last evening the police raided the Turkish quarter of Sedik Pasha. A fight ensued and several persons were killed.

A fresh crop of revolutionary placards was scattered broadcast. Even at the Porte's House a letter was found giving the Sultan the alternative of abdication or assassination.

Reports are reaching the embassies from all directions of wholesale massacres, and the victims now include Greeks and Maronites.

The report is growing ground, even in diplomatic circles, that the Sultan has ordered the extermination of the Armenian race. The excitement is spreading to Syria, Bagdad and Mosul.

The British Consul, Hampson, telegraphs from Sarsoun that the distribution of relief has ceased there, and that the missionaries have been obliged to leave. The embassies do not make any secret of the fact.

According to the most recent reports circulated, Kjamit Pasha will be replaced as Grand Vizier by Said Pasha, formerly Grand Vizier.

## REvolt IN CHINA.

Heavy Fighting Expected Army to be Reorganized.

ST. PETERSBURG, Nov. 4.—The rebellion of the Dungans in the northwest portion of China is extending seriously, and now embraces the whole of the province of Kansu. The Chinese Government has dispatched all the troops of the garrison of Kashgar to the scene of the uprising, and has appointed Li Hung Chang Imperial Commissioner Extraordinary to direct measures to suppress the rebellion.

BERLIN, Nov. 4.—The Vossische

Zeitung today says that Colonel von Hannekin, the German officer who was military assistant to Vice-roy Li Hung Chang, has arrived in this city from China charged with a special mission and fully empowered to arrange for the reorganization of the Chinese army on the Russian, French or German model.

## No Treaty with Japan.

SEOUL (Corea), Nov. 6.—I am enabled to cable to you that Count Ito, the Japanese Prime Minister, says that no political treaty exists between Japan and Russia.

JOHN A. COKEBELL.

ST. PETERSBURG, Nov. 6—I have it on the best of authority that the treaty concluded between Russia and Japan is of a purely commercial character. It has, therefore, none of that significance which alarmists in Paris have striven to give it. The Russian fleet never received instructions to winter at Port Arthur.

Court doctors are now awaiting the accouchement of the Empress. Her Majesty's condition is highly satisfactory.

## FOR THE LENZ KILLING.

Armenians and Kurds Arrested To Be Tried at Once.

WASHINGTON, Oct. 31.—The State Department this morning received information by cable from Minister Terrell at Constantinople that certain Kurds and Armenians have been arrested for the murder of Frank Lenz, the young Pittsburgh bicyclist, who was killed while making a tour of the world on his wheel.

Mr. Terrell says in his dispatch the alleged murderers are to be tried at Erzeroum, and that United States Government will be represented at the trial by the British Consul.

It is presumed Robert S. Chilton of the State Department, who was sent to Erzeroum to establish a consulate there, has not reached his post, and that is the reason the British Consul, who has been very zealous in attempting to bring the murderers of Lenz to justice, will act.

## Try to Sink His Boat.

LONDON, Nov. 6.—A special dispatch from Shanghai, published today, says that while the former British Minister at Pekin, Sir D. R. O'Connor (who has been appointed British Minister to Russia) and his family were leaving Pekin their boat collided at Tung Chow with a craft filled with Chinese soldiers. A scuffle is said to have ensued, during which sticks were freely used. Other soldiers on the river bank, it is added, joined in the disturbance by throwing rocks with the apparent object of sinking the British official's boat. The matter, it appears, was hushed up in order to avoid complications.

## Attack a Village.

HAVANA, Nov. 2.—A band of about 800 insurgents recently attacked the village of Sabanosa, Province of Santa Clara, while the volunteers who compose the garrison were doing farm work. The insurgents burned sixty houses, and a desperate fight took place between them and a small detachment of troops sent to the assistance of the village from Camaguan. Five volunteers and two civilians were killed.

NEW YORK, Nov. 2.—The Herald's Havana special says: The Government telegraphs: Marshal Campos today that the Ministry will unanimously approve whatever be may do or deem convenient in Cuba. Senator San Pedro has been appointed civil Governor in Pina del Rio.

Spain contemplates the construction of a battle ship modeled after the type of the British battle ship Terrible.

## Must Pay for the Elbe.

ROTTERDAM, Nov. 6.—The Court here which has been taking testimony in the case of the North German Lloyd steamer Elbe, sunk in collision with the British steamer Craithie, of Aberdeen, on January 31st of the present year, involving a loss of 335 lives, has rendered final decision, holding the Craithie wholly responsible for the disaster, and condemning her owners to pay the North German Lloyd Company's claim for the total loss of the Elbe, with interest at 6 per cent, and ordering the sequestration of the Craithie pending payment.

## Chinese Indemnity.

LONDON, Oct. 30.—Over £8,000,000 sterling will be transferred tomorrow to Japan by the Bank of England as the first payment of the Chinese indemnity. It is thought £8,000,000 will be used immediately to pay debts incurred for ships and war material. It is expected the balance will be wanted soon in payment for more ships and munitions already ordered. It is not considered likely that any gold will be taken out of the banks, but it is possible some gold will be used for the purchase of silver.

## The Daily Advertiser.

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## WINED AND DINED

Were United States Minister and Officers of the Bennington.

## GRAND RECEPTION BY AMERICANS

Hilo Does Its Prettiest for Its Visitors. Pleasant Meeting of Social Club. Telephone Connections Nearin Completion—Social Kohala People.

HILO (Hawaii), Nov. 13.—It is really to be regretted that Hilo visitors did not remain in town another day just to see what charming weather there is here at times. During almost the entire stay of the U. S. S. Bennington in port the heavens wept copiously, and it is feared the honored guests did not greatly enjoy their stay in Hilo. Minister Willis and family remained on board nearly three days, when they came ashore in company with Captain Pigman and started for the volcano. They met with fair weather throughout the journey and were delighted with the beauty of the road and its pretty homesteads. They returned to Hilo on Thursday as the guests of Mr. and Mrs. G. K. Wilder.

On Saturday United States Minister and Mrs. Willis, Charles Furneaux, U. S. Consul, and Captain Pigman of the U. S. S. Bennington were entertained at dinner at the home of Mr. and Mrs. A. B. Loebenstein. At 2 o'clock the entire party went aboard the gunboat to be in attendance at the reception given by the captain and officers of the Bennington. Although the day was anything but auspicious in the forenoon, it cleared up in the afternoon, so that some forty or fifty fair women and brave men joined in the reception and dance given on board. The vessel was made very attractive by the bright green and varicolored foliage everywhere wrought into pretty and graceful decorations. Handsome palms set off with grace the several nooks and corners they occupied, and the stars and stripes were appropriately draped on the sides of the vessel. During the afternoon a most tempting feast was set before the guests. Music for the dance was furnished by an orchestra of native boys.

A most complimentary reception was tendered to United States Minister and Mrs. Willis, Captain Pigman and the officers of the U. S. S. Bennington on Monday evening by the Americans of Hilo. It was one of the most charming social affairs and was, perhaps, the most largely attended gathering held since the reception tendered to President and Mrs. Dole last year. After the reception, which lasted from 8 o'clock until half-past 9, dancing began. Between 11 and 12 o'clock a most elaborate supper was served. Spreckels' hall was converted into a perfect bower of beauty for the occasion. Striped bunting formed a border around the walls just below the ceiling and red, white and blue bunting formed graceful festoons from the corners to the central chandelier. Great clusters of ginger and bamboo adorned three of the corners of the room, while in the fourth corner a stand erected for the musicians, was most tastefully draped in flags and decorated with greens. Pictures appropriate to the occasion occupied prominent places on the walls and were temporarily framed in stars and stripes. Under one of these pictures, at the makuā end of the hall, comfortable seats were charmingly arranged among potted palms and ferns, and here the guests held their reception. Mrs. Willis looked handsome in a rich gown of black and white striped silk, trimmed with ribbons and elegant lace. The waist was of plain silk cut décolleté and trimmed with pink roses. Judge and Mrs. S. L. Austin and Mr. and Mrs. C. C. Keunedy assisted in receiving.

Owing to a most unfortunate accident, in which Mrs. Willis sprained her foot while descending into boat from the Bennington on Saturday, she was obliged to be carried to and from the reception hall, and was unable to stand upon the injured member. At first it was thought that the sprain was quite serious, but as she improved rapidly, it is to be hoped she has entirely recovered by this time.

The parlors of the Foreign Church were thrown open to all on last Tuesday evening, and many availed themselves of an opportunity to spend an evening most pleasantly at the church social. Mrs. H. C. Austin sang a solo in her usual happy style and a quartet of ladies composed of Mrs. Baldwin, Mrs. Austin, Miss Richardson and Miss Austin rendered a vocal selection in the most artistic and charming manner. Miss Deyo read a selection to which all of her listeners gave the most wrapt attention, and Mr. Louther gave a vocal solo that greatly pleased his hearers.

The bi weekly meeting of the Hilo Social Club occurred at the home of Mr. and Mrs. E. E. Richards under the leadership of Mr. Sonnen. Thirty-eight members and their friends were present and spent the evening most enjoyably. The following program was carried out to the enjoyment of all: Instrumental duet, Misses Grace and Nelle Potter; "Hilo Budget," Miss Deyo; vocal solo with guitar accompaniment, Miss Roy; recitation, Miss Mary Lyman; vocal duet, Mrs. Richards and Mr. Louther. Then followed a performance in sleight of hand tricks and other feats of the Great "Herman, the Wizard," impersonated by Dr. Hutchinson who entertained and amused all for some minutes. After light refreshments all were furnished with pencils and cards on which they were to collect the autographs of as many as they could get within fifteen minutes. Considerable fun was gotten out of this. Mr. Campbell succeeded in getting the prize.

Dr. Cooper and C. Wilder of Honolulu made a trip to the Volcano House, Kapaalua and Naalehu last week.

Mrs. Townsend and child and Hon. D. H. Hitchcock leave for Maui on this Kinau.

D. H. Hitchcock, Jr., goes to Honolulu.

Mrs. Nellie Trowbridge of Olao, who has been visiting Miss Harriet Austin for the past three weeks, returns to her home tomorrow.

Dr. Francis Wetmore returned to Hilo Sunday after an absence of several weeks in Kohala, where she was called to attend Dr. Bond and continue his practice during his illness.

A party of twelve, residents of Hamakua and Hilo districts, leave for Pukauka on Mauna Kea this week, to be gone for two or three weeks on a camping expedition.

Direct telephone communication is now had between Hamakua and Kona. Conversation between Kona and Hilo is as distinctly heard as though the two places were a block apart.

Mrs. Carrie Robinson and Miss Lizzie Roy leave for Honolulu tomorrow morning.

The new drug store will be ready for business in a few days. No vessels in the harbor this week.

## THEY LIKE THE CHANGE.

Kohala People Compliment Steamer Service—Social Notes.

KOHALA (Hawaii), Nov. 13.—Now that the Kinau has again resumed her regular trips there is little to disturb the quiet routine of provincial life. The change in time of the Kinau's departure from Honolulu to an earlier hour is a very welcome change to people here. The mails arrive earlier in the day, and passengers for Kohala find the change in time of arrival a great convenience.

On Wednesday the Kinau brought a local mail in time to be answered by the outgoing Kinau this week.

The schooner J. G. North, in from San Francisco with a considerable cargo of general merchandise and plantation supplies, was discharged at Honolua and departed on Friday last with upward of 200 tons of sugar, the last of the crop.

The Olga also arrived from San Francisco at Mahukona with a full cargo, nearly 1000 tons of general merchandise and machinery, said to be the largest cargo ever brought to Mahukona. She is still in process of unloading.

Until the last few days the weather has for two or three months been exceptionally warm. Though the rain has been moderate of late, the crops still look well. Everything points to a larger output of sugar than last season.

Election notices have been posted for an election for Senator in place of Mr. Notley of Hamakua, resigned. A candidate from either Hamakua or Kona would probably be most agreeable to the majority of voters here.

The Literary Society held its latest session at the residence of J. Hind. It was a specially enjoyable evening. Byron's poems formed the subject for papers and the material for songs and readings. Mrs. Hind read a paper on Byron's life and work; J. Barnett discussed The Child Harold's Pilgrimage; Mrs. G. F. Benton, Miss S. Ostrom and Miss C. Bond read selections from Byron's works, and Miss A. Wright and Mrs. J. Hind sang. It was by common consent the most enjoyable evening for some time. Mrs. B. D. Bond was unanimously elected president of the society for the ensuing year.

There have been a good many social gatherings of late. One of the most interesting of these was a Hallowe'en masquerade party given at the residence of Mrs. Carter and Miss S. Ostrom. Some of the old games and customs peculiar to this festival of merrymaking were indulged in.

Preparations for a play to be given before the public some time in November have been going forward. It is understood that another public entertainment, under the auspices of the literary circle will be given in December.

All the mills are busy with preparations for the coming crop, and quite a number of mechanics from Honolulu are at work in the district.

## LATE NEWS OF MAUI.

Jury Decides That the Kula Road Shall Be Closed.

Sports of the 16th Postponed—Portuguese Buying Land—Literary Society Doctor an Organ.

MAUI, Nov. 16.—Today, Kalakaua's birthday, was to have been marked by some sports at Kahului, but owing to the bad condition of the grounds it is doubtful whether any running or ball playing will take place.

During Thursday a mean south wind blew all day and during yesterday a fierce Kona storm enveloped the greater part of Maui. It turned into what the natives call a "holua," for at noon the south wind descended a semi-circle and blew directly from the cold north and the rain came in thicker than ever. Today it is cold, damp, and a continuance of the storm is imminent.

During Friday, the 15th last, a road jury composed of Messrs. H. B. Bailey, A. Crook, G. Helu-kunub, Frank Correa and the others accompanied by Sheriff Andrews surveyed the old Kula road from Kapalua to the bottom of Wailea gulch and decided to close it in accordance with the petition presented to the Minister of Interior by W. F. Pogue and others.

The Walluku Fruit and Taro Company have been supplying the settlement at Molokai with palao for two weeks past. It is stated that an effort will soon be made to place the company on a firm financial basis.

Portuguese farms are numerous throughout Mekawao district. Purchases have been recently made by some of them in Pauwela, Hamakua, and Kula. They have paid from \$40 to \$60 per acre for small lots.

Mr. and Mrs. J. W. Colville of Pauwela are expected from Scotland on the 20th inst.

Circuit Judge Kalua recently appointed Charles Copp and Mrs. S. E.

Kalama executors of the estate of the late John Kalama who died intestate.

At the next meeting of the Makaoao Literary Society a sale of fancy articles fashioned by the fair hands of the ladies will be one of the attractions. The financial returns will be devoted to the payment of expenses to be incurred in repairing the church organ, which is now in a decidedly wheezy condition. The meeting is booked to take place on the evening of the 26th inst., at the residence of H. P. Baldwin, Haiku.

Miss Ethel Moesman, of the Kahului School, departs today for a trip to Oakland. She expects to return in January.

The calendar for the Lahaina jury term numbers but fourteen cases up to date and promises not to be as large as usual, even when complete. A manslaughter case—that of Iwane, the Wailuku policeman who shot a Chinaman at Spreckelsville, is the most prominent.

The Makawao Book Club sent away for its books by this week's mail.

The harbor of Kahului is clear of shipping.

Weather—The thermometer down in the sixties

## OLD KAWAIAHAO CHURCH.

Renovated at an Immense Cost—Is Now Like New.

Services There Yesterday Very Interesting—Handsome Decorations. Prominent Persons Present.

The work of securing funds for the renewal of old Kawaiahao has by no means been an easy one, but in every respect has it been successful. For months there has been one common goal toward which the unselfish workers of Kawaiahao have striven—the reconstruction of the church that was fast crumbling away from the effects of age and ants.

Cheerless though the task seemed at times they plodded on, turned aside by none of the disappointments which beset and all but crushed them. By steady steps has been th climb until their efforts have been crowned with success that was hardly dreamed of at first. The church as it stands today will ever remain as a symbol of energy and love on the part of Kawaiahao workers.

Sunday morning was set for the opening service of Kawaiahao renewed. It seemed as if the inclemency of the weather would prevent all but few people from attending, but when the time for service began nearly every pew was taken.

Among those present were a liberal representation of foreigners, young ladies from Kawaiahao Seminary and Kamehameha school and boys from Kamehameha and the Reform schools.

The platform was beautifully decorated with flowers, yellow chrysanthemums prevailing, ferns, palms and other plants. Noticeable among this array was vase of pink, white and yellow roses brought from Hilo. Seated on the platform with Rev. H. H. Parker were Rev. O. P. Emerson, Hon. P. C. Jones, Rev. Waiamau of Kauakapili, Rev. Stephen Desha of Hilo, Mr. Edward Bailey of Wailuku, Rev. C. M. Hyde and Rev. Kapu of Wailuku.

After a anthem by the choir, which was made up of over forty singers, Rev. C. M. Hyde led in prayer. After another anthem Rev. O. P. Emerson read a passage of scripture.

The treasurer of Kawaiahao, Hon. P. C. Jones, read the report of receipts and expenditures in the rebuilding of the church as follows: Total collections for account church repairs, \$11,678 65; total cash, repairs of church, \$11,419 94; leaving a balance of \$253 75 after paying all bills. Electric light collections, \$675 15; electric light expenses, \$400; leaving a balance of \$275 15, which, added to the building fund balance of \$253 75, makes a total of \$528 90; \$275 51 was paid for lanai material. There remains a balance in hand of \$253 39.

Miss R. Nolte sang a beautiful solo, after which Mr. Edward Bailey, who was among the first missionaries to arrive in the islands, gave some reminiscences of his life and work among the natives. He referred in a most touching manner to those good souls with whom he was associated, now in the abode of angels.

Three children were baptized by Rev. Desha. Rev. Kapu offered a prayer of thanksgiving.

Rev. Hiram Bingham was called to the platform and gave some recollections of Kawaiahao and work among the natives. The church was in good condition at present, but there were many natives absent who should be brought there to worship. This was the work of members of the congregation.

Rev. Stephen Desha preached a short sermon in which some points of wholesome advice were given out for the benefit of all. The benediction was pronounced by Rev. Hiram Bingham.

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## Clothing, Underwear, Shawls,

Blankets, Quilts, Towels, Table Covers, Napkins, Handkerchiefs, Gloves, Hosiery, Hats, Umbrellas, Rugs and Carpets,

Ribbons, Laces and Embroidery, Cutlery, Perfumery, Soaps, etc.

## A Large Variety of Saddles,

Vienna and Iron Garden Furniture, Reckstein & Sener Pianos, Iron Bedsteads, etc., etc.

American and European Groceries, Liquors, Beers and Mineral Waters, Oils and Paints, Caustic Soda, Sugar, Rice and Cabbages, Saffron Twine and Wrapping Twine, Wrapping Paper, Burlaps, Filter-press Cloth,

Roofing Slates, Square and Arch Firebricks, Lubricating Grease, Sheet Zinc, Sheet Lead, Plain Galvanized Iron, best and best; Galvanized Corrugated Iron, Steel Rails, 18 and 20; Railroad Bolts, Spikes and Fishplates, Railroad Steel Sleepers, Market Baskets, Desiijohos and Corks.

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## FINE HORSES AND CATTLE

From the Thoroughbred

# Hawaiian Gazette.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

W. R. FARRINGTON, EDITOR.

TUESDAY, NOVEMBER 19, 1895.

THE woman's suffrage advocates of Massachusetts have not a little missionary work before them, if the result of the balloting on granting them municipal suffrage may be taken as a criterion. The measure was defeated by a vote of 75,000, but the worst reflection on the ardor of the women is the fact that of the women registered only 37 per cent. appeared at the polls. The gallantry of the men counts for considerable, but when the women are not sufficiently enthusiastic to speak for themselves they can hardly expect to gain much headway.

United States Consul S. P. Read, of Tien Tsin, China, reports to his government that Russel & Co., the last of the great representatives of American commercial houses in China, closed in 1891 and since that time the French, German and British firms are taking all the business. The fact above stated is a thing commentary on the foreign policy of the United States. After fifty years of great commercial activity and increase of manufacturing industries, the merchants of America haul down the flag in China and surrender to the Europeans.

SENATOR MORGAN tells the people of his country that discussion of the Hawaiian question is to be one of the prominent features of the next Congress, and yet there are those enthusiastic enemies of the present regime in this country who hold that so far as the United States is concerned the Hawaiian Islands are buried in the forgotten past. We are willing to await the verdict which time alone can make good, yet it is safe to predict that there will be numerous deaths among the members of Congress before the affairs of this country will be pigeon-holed by the national legislative body.

MEMBERS of the Cabinet in Washington assert that President Cleveland's message to the Congress which assembles in December will contain a clear outline of the Government policy in the Venezuelan affair, and also define a general foreign policy in vigorous and true American style. It is further stated that the President will take advantage of the opportunity to refute the rumors of discord between the Secretary of State and himself. It will undoubtedly be a welcome tidbit for many American politicians to have it proven beyond the question of a doubt that the present Cabinet is enjoying a general love-feast over the administration of foreign affairs.

THE Philadelphia Press in reviewing the reports of the Labor Commission of this country says:

"For years it has been plain to every one knowing the real condition of the islands that its future inevitably hinged on the character and nationality of its labor. Nothing can save a country from a despotic government under some form if it comes to be inhabited by coolie labor, managed by a few white men using foreign capital. Nothing is more important, if free institutions are to be preserved and the Hawaiian Islands kept fit for annexation, than an industrial organization on a different basis." After

## UNITED STATES ELECTIONS.

Election returns from the United States do not give one hopeful ray to the present ruling powers of the Democracy, except it is in the lesson that may be gained from an overwhelming defeat. The Republican vote not only held up to the majorities of 1894, but rolled up unprecedented figures in sections that have been for years classed as sound Democratic strongholds. The prediction of a return to the Democratic party consequent to the turn of prosperity did not materialize and the Democratic leaders find the condemnation of the people

## TO SHUT OUT OLD MEN.

Sharp competition in the liberal professions in England is bringing the cry "the old men must go" into prominence of late, and many of the leading journals are advocating the application of the age limit in vogue in the army, to the professions as well. A medical journal suggests that successful physicians retire from practice at the age of sixty-five, and a prominent religious journal comes forward with the statement that the pressure on the church might well be relieved by the application of the army and navy age limit, in order to make room for the rising generation. The colleges of Oxford are preparing statutes putting an end to life tenures and establishing age limits with compulsory retirement for heads of houses, professors and tutors. Exeter College has led the way and its new statutes have been placed before Parliament. The general theory on which the plan is being carried out is to the effect that man's period of usefulness ends at sixty-five, and he should at that time be placed carefully, but no less surely, on the shelf.

The theory appears very plausible to the rising and ambitious young men, but the assumption that mind and body become unfit for active work as man approaches the three-score-and-ten life limit has not always been borne out by past experience. It tends also to concentrate a man's life work in about twenty years of his life and will not be found as acceptable when the young men of today begin to near the fatal dead line marked in their profession.

The increased demands of modern science have put off the time at which a man may be said to have started in his work. More extensive preparation is required than in days gone by, and it is not unusual that a man reaches thirty before he has made his start in life. Thus it is that under the new ruling the professional man must not only make enough to keep body and soul together during the days of his activity, but he must also lay by enough to keep himself after his professional death. It is practically condemning a man because he is so unfortunate as to have gray hairs and years of experience. When one considers the life-work of such men as Gladstone, Bismarck, Leo XIII., Bancroft, the historian, Oliver Wendell Holmes, and any number of prominent men of recent years, he is inclined to make light of this new departure. It was Rehoboam's departure from the counsels of the old men of his tribe that led to his downfall, and time and again has his fate been repeated among the young men of late history. The lives of prominent men in science, politics, literature, law and the Gospel have established the fact that with ordinary health man's mind, when active, will keep unimpaired as long as the body lasts. Gladstone is said to assert that as man's body grows weaker his mind becomes stronger.

Notwithstanding the swinging of the pendulum toward the young men, it is highly probable that the veterans will continue to hold their place in the front ranks. The agitation is interesting, however, as an exhibition of the spread of socialist tendencies among the educated to the point of interfering with the individual and his right to work.

## UNITED STATES ELECTIONS.

The opening of the Kawaiahao church and the efforts of Mr. Yamamoto in gaining funds to raise the debt on the Y. M. C. A. made Sunday an eventful day in the religious circles of Honolulu. The religious awakening in this city, though somewhat slow in getting started, has been none the less positive in its moral as well as financial phases.

quite as much in evidence as when the tide first began to turn against them. Expressions of the press and public men indicate what might be expected, that the Democracy is divided against itself on national issues. President Cleveland is said to look upon the defeat as the result of the action of the Brice-Gorman wing of the party, while the latter point to the erratic policy of the President as the cause of all their woes. Senator Gorman sums up the situation in the terse remark, "The tide was against us." The election of Republican legislatures in Ohio and New York assure the turning down of Senators Brice and Hill, two of the most unprincipled politicians that grace the United States Senate of today.

The elections, as a whole, indicate that the day has gone by when the voters of the United States will stand by their party for the party's sake, and, in that respect, victorious Republicans as well as defeated

## FICKLENESSE OF PUBLIC OPINION.

Democrats are taught a salutary lesson. How many party overthrows will be required to drum this idea into the heads of the politicians remains to be seen, but the history of the past few years in American politics makes it clear that the people of the States will give those men their support who carry out as well as advocate a business-like administration of domestic and foreign affairs.

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Tammany's victory in New York City may give a temporary setback to the reform movement, yet it cannot be regarded as portending a complete reversion to the political corruption of former years. The scale was practically turned on the point of "Sunday beer," and suggests to the reformer that he must be less radical in his methods. It is not improbable that the Republican Legislature will heed the warning and reform the laws.

If the railway and dock franchises granted to private individuals by the State of New York during the last sixty years had been operated wisely, on behalf of the State itself, their value would, at present, amount to nearly \$200,000,000, and the present income from them would almost avoid the necessity of enforcing any taxation. Why, then, did not our "intelligent" people retain and work these valuable franchises? Simply because an "intelligent" community is wise on very narrow lines. Its opinions are made up of a thousand conflicting views, and its action is loose jointed, until it gets excited, and then it acts like a bull in a china shop. A small body of determined men, well organized, can fleece the State out of valuable franchises just as two or three determined men hold up a railway train, rob the expressman's safe and make a hundred passengers hold up their hands. The Pacific States, in conjunction with the Federal Government, could have built the continental railway lines in 1865 and maintained ownership, but a handful of men "held up" both State and Federal hands and pocketed the business profits of the entire coast.

The Russian war scare has faded into thin air, for the present at least, although newspaper correspondents continue to assert the truth of a secret treaty having been entered into with China which practically gives Russia a strong hold on Oriental affairs. It is stated that Russian warships have arrived at Port Arthur, but to all appearances the British editors have decided to allow Russia's warships to leave home once in a while without considering the maneuver an overt act.

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Daily Advertiser 75 cents a month. Delivered by carrier.

## Death of Captain Cavarly.

John Mansfield Cavarly, one of the oldest commanders in the employ of the Pacific Mail Company, died at his home, 1815 Sutter street, last Tuesday night, says the San Francisco Call of October 29th. He was one of the most successful skippers that ever took a vessel out of San Francisco, and he stood high with the management.

On November 23, 1894, Captain Cavarly's resignation was presented to the directors of the Pacific Mail Company when they were in session in New York. After commenting on his thirty-one years of service the board said:

Resolved, That Captain Cavarly's example is one especially of emulation, for the reason that his success as a commander was due to his close attention to his duty, his unquestioning obedience of orders and his unserving loyalty to the interests of the Pacific Mail Company.

## A NOBLE FIGHT.

An Eminent Southern Lawyer's Long Conflict With Disease.

Twenty-five Years of Prosperity, Adversity and Suffering. The Great Victory Won by Science Over Stubborn Disease.

(From the Atlanta, Ga., Constitution.)

Foremost among the best known lawyers and farmers of North Carolina, stands Col. Isaac A. Sugg, of Greenville. Mr. Sugg has resided in Greenville 22 years. While nearly everyone in Pitt Co. known Mr. Sugg's history, perhaps all do not know of his return to business again after an illness of 16 years. No man has gone through more than he, and lived. It was a case of the entire breaking down of his nervous system, attended by excruciating, agonizing, unendurable pain. Opium and stimulants only quieted temporarily, and all treatments failed him. Only his love of family and friends prevented suicide. He told a reporter the following interesting story:

"I kept at my work as long as I could but nature gave away at last and I succumbed to the inevitable. My entire nervous system had been shattered by the opium I had taken, my blood had actually turned to water, my weight had dropped from 178 pounds to 123, and it seemed to everybody that the end was in sight. Why I could not bear the gentle hands of my wife to bathe my limbs with tepid water. I was simply living from hour to hour. I had made my will, settled my business and waited for the last strand of life to snap.

"It was at this time that a somewhat similar case as my own was brought to my notice. This man had suffered very much much as I had, his life had been dispensed of as mine had, and yet he had been cured. Think what that little word meant to me—CURED. The report stated that the work had been accomplished by a medicine known as Dr. Williams' Pink Pills for Pale People. I investigated the report thoroughly and found it was true in detail. Then I procured some of Dr. Williams' Pink Pills and began taking them and began to get better. I began to sleep like a healthful child, sound, calm and peaceful. My appetite came back and my nerves were soothed and restored to their normal condition and I felt like a new man. But the greatest blessing was the mental improvement. I began to read and digest, to formulate new plans, to take interest in my law practice, which began to come back to me as soon as my clients realized that I was again myself. After a lapse of 10 years I ride horseback every day without fatigue.

"That Dr. Williams' Pink Pills saved my life is beyond doubt, and I am spreading their praise far and wide."

An impoverished condition of the blood, or a disordered condition of the nerves, is the fruitful source of most ills that affect mankind, and to any thus affected Dr. Williams' Pink Pills offer a speedy and certain cure. No other remedy has ever met with such great and continued success, which is one of the strongest proofs that Dr. Williams' Pink Pills accomplish all that is claimed for them. They are an unfailling cure for locomotor ataxia, partial paralysis, St. Vitus' dance, sciatica, neuralgia, rheumatism, nervous headache, palpitation of the heart, nervous prostration, diseases dependent upon vitiated blood such as scrofula, chronic rheumatism, etc. They are also a specific for troubles peculiar to females, curing all forms of weakness. In men they effect a radical cure in all cases arising from mental worry, overwork, or excesses of any nature.

These pills are manufactured by the Dr. Williams' Medicine Co., Brockwell, Canada, and Holborn Viaduct, London, Eng. They are put up in round glass bottles, the wrapper covering which bears the full trade mark, "Dr. Williams' Pink Pills for Pale People." As there are imitations of this wonderful remedy, see that the above trade mark is on every package you purchase, and promptly refuse all imitations and substitutes.

Dr. Williams' Pink Pills are sold by The Hollister Drug Co., Honolulu, wholesale agents, and all dealers in medicine.

## NOTICE TO PLANTERS AND OTHERS.

The Honolulu Iron Works Company having renewed their connection with the NATIONAL TUBE WORKS COMPANY OF NEW YORK and are constituted

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For all the various lines of manufacture

such as

## Steam Pipe,

Artesian Well Tube and Casing,

The Converse Lock-Joint Water Pipe of all sizes,

## GALVANIZED WATER PIPE

Steel, and Iron Boiler Tubes, Etc.,

TOGETHER WITH—

Valves, Cocks, and all Kinds of Steam, Water and Gas Fittings.

And will henceforth carry a large stock of said Goods in Honolulu to enable them to fill ordinary orders on short notice and at

any time.

Prices Hither Unknown

IN THE HAWAIIAN ISLANDS.

HONOLULU IRON WORKS CO.

307 FORT STREET.

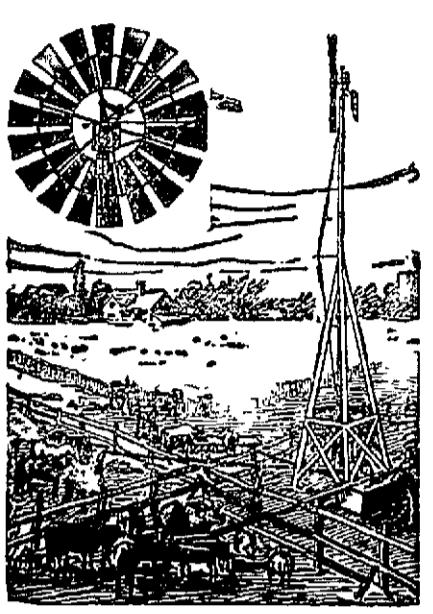
Opposite Spreckels' Bank.

## Timely Topics

## THE AERMOTOR

-- AND --

## Steel Tower.



In as much as most of our remarks have been confined to the pumping Aermotor we wish to call your attention this week to the geared motor for barns. Undoubtedly sometime in the past you have concluded to equip your mill with shafting for grinding of corn and feed for your stock, and perhaps attach a grind stone and buzz saw, and sent away for a catalogue for estimated cost and the location of your building for horizontal and vertical shafting, but finally came to the conclusion that the cost and difficulties of constructing were too great to warrant the expenditure. Now here is where the Aermotor does away with all those great obstacles and petty annoyances. In our plan you have only to secure the vertical 8x8 mast in position, put the Aermotor on one end and the grinder on the other. The mast then holds it all. You can belt to different machines and drive your pump and feed grinder at one time. The feed grinder is always in position. You have only to turn a hand screw to adjust the lower grinding ring sufficiently close and it is already for use, or in an instant you can put on a belt to run any other machine.

The saving of power effected by having all bearings rigidly connected in one casting and therefore in proper place, is no less important than the matter of convenience allowed too. The Aermotor runs in half the wind required by other mills, and regulates in a strong wind as well as in a mild wind. It handles the pump the smoothest of any mill made. An eight inch stroke Aermotor will throw more water with less wind than any of the old style mills.

If you are in need of a mill buy an Aermotor and your neighbors will congratulate you on your foresight.

The Hawaiian Iron Works Company having

renewed their connection with the

NATIONAL TUBE WORKS COMPANY OF

NEW YORK and are constituted

## SOLE AGENTS

FOR THE

Hawaiian Islands

For all the various lines of manufacture

such as

## Steam Pipe,

Artesian Well Tube and Casing,

The Converse Lock-Joint Water Pipe of all sizes,

## GALVANIZED WATER PIPE

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HONOLULU IRON WORKS CO.

307 FORT STREET.

Opposite Spreckels' Bank.

NEWSPAPER ARCHIVE®

## LOCAL BREVITIES.

Battalion drill on Union Square this evening.

The Honolulu Iron Works have a new advertisement in this issue.

Minister Willis made an official call on Minister Cooper yesterday and received the usual salute on retiring.

The caterpillars are ravaging the young cane and pastures in Kaneohe. Some of the paddocks are as free from grass as Fort street.

Chas. Brewer & Co. call attention to the probable departure of the new bark, the *lolan*, from New York about January 1, next.

It is rumored that there are three political factions in Hilo. Between them they will endeavor to pick out the next candidate for the presidency.

The will of Poomaikalani was admitted to probate yesterday and letters testamentary ordered to issue to Kapiolani under a \$10,000 bond.

William Grant Wait, of North Kona, was granted letters of denization yesterday. Mr. Wait is connected with the Kona Coffee and Tea Company.

John Wise and John Lilikoe, two of the political prisoners who were taken to Hilo to work, returned by the Kinau yesterday in charge of a native police officer.

Secretary Hastings of the Hawaiian Legation at Washington has ordered twelve pounds of African Kola seed for Commissioner of Agriculture Marsden.

A. P. Everett, at one time a prominent merchant here, and father of Edward, Louis and Charles Everett of this city died in San Francisco October 28th.

In Lihue (Kauai), last week, an afternoon tea was given by Dr. and Mrs. Wolters to Mrs. Hendry, of this city. A dance was also given in honor of Mrs. Hendry at Kealia.

Mrs. E. S. Goodhue arrived by the Australia and is a guest at Dr. A. J. Derby's. Mrs. Goodhue will return to her home at Koloa, Kauai, on the Mikahala Tuesday.

Wirth's circus, now playing in Samoa, will probably stop here en route to the States. Among the artists with the company is Eloise St. Leon, Muriel Wirth and Ida Vernon.

On her next trip the Kinau will leave Hilo Monday, November 23d, arriving in Honolulu the following Monday. This is done to accommodate the planters who will have a special meeting on the day of the Kinau's arrival in Honolulu.

At the last meeting of the Chinese-English Debating Society the subject of opium was not discussed. A business meeting was held instead. The rain kept away quite a number of the regular attending members. The opium subject will be discussed Friday night.

Mrs. Professor Maxwell, with two children and nurse, arrived Saturday, she having come from the home of her father, Professor Webber, at Northampton, Mass. Professor Maxwell took his family up to the cottage on Pensacola street, which he has only so far gotten into order that they can go in. It will be several weeks before they will be able to feel themselves settled.

## Chinese Laborers Arrested.

The twenty-six Chinese laborers from the Coptic who refused to go to the plantations were arrested yesterday afternoon and taken to the station house by order of the Minister of Foreign Affairs. The charge against these men is the violation of section 1 of chapter 80 of the laws of 1892, which provides that Chinese entering the country must confine themselves to agricultural pursuits. Their refusal to sign contracts is based on the supposition that they will sooner or later be allowed to land in Honolulu, and take up any line of work that suit their fancy. They have evidently been influenced by three malcontents, and after being separated from them for a short time about twenty of the laborers signed their willingness to go to the plantation.

## The Commercial Journal.

The Commercial Journal and Maritime Report will be out this morning in time for the island mails and will be on sale at the book stores about noon. It will contain interesting reports on the sugar and rice markets, the editor's views on the labor question and other matters of interest to the business community. Merchants might make it a point to send copies of The Commercial Journal to their correspondents abroad.

## BLACKBURN AND YOUNG

## The Senator and the Lieutenant Fight.

## HOT DISCUSSION OVER CARLISLE.

Blackburn Talks Loud and Young Represents—The Naval Officer from the Whiskey District Champions Carlisle and Punches Blackburn's Nose.

WASHINGTON, Oct. 30.—When Senator Blackburn was last in Washington he created considerable commotion by declaring Secretary Carlisle would not again take the stump in Kentucky, for good and sufficient reasons. Although this seemed to need explanation, none was forthcoming. Now, however, the story is out.

Senator Blackburn was with a group of gentlemen at Chamberlain's and was berating Secretary Carlisle in his usual impetuous way. One of the gentlemen present was Lieutenant Lucien Young, a junior naval officer, himself of Kentucky birth. Lieutenant Young took offense at Senator Blackburn's remarks and retorted in defense of Secretary Carlisle. Senator Blackburn then made a remark about somebody getting his face slapped unless he was careful.

Lieutenant Young does not know what fear is. He has a gold-hilted sword and an engrossed vote of thanks from the Kentucky Legislature for bravery as a midshipman in rescuing several persons from the Huron when she was wrecked off Cape Hatteras. He promptly told Senator Blackburn that he was very close to having his own face slapped right there and then. "I will kill any man who attempts to slap my face," replied Blackburn angrily.

Then Lieutenant Young, without further words, let out his right and hit the senior Senator a blow on the nose, which brought blood. Before Blackburn could recover the disputants were seized by the onlookers and rushed off in different directions.

The question of a challenge has been thoroughly discussed in the resident Kentucky colony. Colonel Dick Wintersmith of Kentucky, Colonel Sam Donaldson of Tennessee and Colonel Philip Thompson of Kentucky have finally decided that Senator Blackburn will not be justified in shooting Lieutenant Young on sight, as the latter did not slap Senator Blackburn's face with his open hand, but did punch him in the nose with his clenched fist, the former being a blow not intended to do physical injury, while the latter blow was calculated merely to injure physical feelings, but not the sensibilities.

On the question of a challenge it was agreed that, were Lieutenant Young in private life or holding public office by election, or were the code duello recognized in the naval service, as it should be, Senator Blackburn would be justified in sending his friend to see Lieutenant Young's friend. But as Lieutenant Young might be in danger of court-martial for fighting a duel, and inasmuch as Senator Blackburn is called upon occasionally to legislate concerning the navy, the jury decided by a majority of one that it would be indecent and ungentlemanly for Senator Blackburn to send a challenge.

On this point the minority of the bench, sustained by Colonel Carter, of Virginia, a most eminent authority, filed a dissenting opinion. It was urged that there was nothing which would stand in the way of a duel; that Senator Blackburn was bound to challenge and Lieutenant Young to accept. Lieutenant Young, it was contended, should have considered the consequences of his blow before he delivered it, and it would be a subterfuge unworthy of a Kentucky gentleman to allow his position in the navy to stand in the way of the honorable settlement possible.

Moreover, in case it should be the Senator who was killed, he could not legislate against the Lieutenant, and in case the Lieutenant should be killed he could not be legislated against.

## THE OLYMPIA'S TROUBLE.

Too Many Landmen—The Mail All Destroyed.

A private letter has been received from the Olympia, written by one of the crew, says the San Francisco Examiner. The letter is dated October 16th and says the vessel was then lying at Lahaina. Eight days were consumed on the trip to the islands, says the writer, and 700 tons of coal were used. Twenty deckhands were required to act as coal passers, and the temperature in the boiler-room was never less than 120 degrees.

From Honolulu the warship was sent to Lahaina. When letters and other mail reached the vessel, although they had been fumigated at Honolulu, the ship's surgeon would not allow them to be delivered until he had again fumigated them. The mail was put into a baking-pan and shoved into the oven.

"When they were taken out," says the writer, "not a sign was there of letters or papers or germs. The Doctor had burned the whole business. All the money which was brought on board was boiled by order of the Doctor, and we were not allowed to catch any fish at Lahaina for fear that they might once have been in Honolulu waters. We were not allowed to use any salt water while the Beaufort was near us, although she lay two and a half miles to leeward. We had to go in our bare feet, too, for fear that we would get the germs in our socks. We are putting in 1500 tons of coal, as Captain Reid does not know what quantity we may need before reaching the Japanese coast."

Another letter from the Olympia at Honolulu, dated October 21st, reads as follows:

"No money since leaving San Francisco. On account of cholera no fresh provisions from shore allowed on board, and as we could not get enough to eat all hands refused duty and refused to coal ship. Everything was settled by noon. Have now got all we can eat and are now taking on sea stores. Three men were placed in the brig for general court martial. The crew would not coal ship before the three men were released and restored to duty. The petty officers were called and after consultation with the crew were sent forward to ask for a release of the three men. The request was granted and everybody turned to and coal ship."

"The trouble with the Olympia's men," said Al White, "is too many of them are landsmen. Captain Reid and Lieutenant Sturdy, the executive officers, could not afford to permit the men ashore while the cholera was raging in Honolulu, and the majority of the men think that they have been badly treated because strict discipline was enforced. The stories of mutiny on board are rather thin. There might have been a case or two of insubordination, but that was the extent of the trouble."

## SOCIAL GATHERING AT EWA.

Manager and Mrs. Lowrie Made Welcome Home.

Manager Lowrie of Ewa plantation and Mrs. Lowrie were given a very pleasant welcome home last Saturday night. They were met at the train in Ewa depot by a delegation of the chief men of the plantation.

The sugar room of the mill was decorated with Japanese lanterns and otherwise prettily arranged for the occasion, which was a reception of welcome to Mr. and Mrs. Lowrie. On the outside of the hall were the words "Welcome Home."

Upon Mr. and Mrs. Lowrie entering the hall, the Kawaihau Club played "Home Sweet Home." A delightful evening was spent during which the central couple of the gathering detailed to their friends the incidents of their trip to the States. Over sixty people were present to give welcome to the manager and his wife.

The Kawaihau Club remained over night at Ewa and played at the home of the chief engineer Sunday afternoon. Refreshments were served. The club desires to thank Mr. Voss for his kind treatment of them while at Ewa.

## COURT NEWS.

The writ of execution issued upon the property of J. A. Cummins was settled yesterday by the payment of the amount with costs.

In the matter of bankruptcy proceedings against Bernard Medeiros the Court yesterday issued an order of release.

Leave has been granted S. Ahmi to bring suit as next friend of Mong Wa and See Chin, minors, against Wong Kwai for an accounting as guardian of said minors.

Mrs. R. Laing was yesterday granted a divorce from her husband and his cross suit disallowed. The Court reserves judgment on the question of alimony.

The case of Beatie vs. Morgan was on trial before Judge Whiting yesterday.

The petition of Waianae (w) for letters of administration on estate of C. Kainohi, deceased, will be heard December 20th.

The Attorney-General has entered a nolle prosequi in the case of Sesaki, convicted in the District Court on the charge of vagrancy.

## KILOHANA ART GALLERY.

Opening Next Friday—Arranging for the Ceremony.

Those interested in art and its progress in Honolulu will be very glad to know that the doors of the Kilohana Art League will be thrown open to the public next Friday morning. Ever since the last exhibition, members of the league have been at work on various pieces of art to be shown at the approaching exhibition, and, from whispers that have been rife among the art critics, it is certain that a great improvement over the former show has been made.

The committee on hanging pictures is at work now. With Wednesday, varnishing day, everything will be completed.

Thursday evening at 8 o'clock will be held the usual swell "First View" reception, when members of the league, together with specially invited friends, will be present to look upon the works of art.

On Friday the league rooms will be thrown open to the general public, continuing for several weeks. The hours arranged are from 9 a.m. to 5 p.m., and on Saturday evenings between 7 and 10 o'clock. A small admission fee will be charged.

"When they were taken out," says the writer, "not a sign was there of letters or papers or germs. The Doctor had burned the whole business. All the money which was brought on board was boiled by order of the Doctor, and we were not allowed to catch any fish at Lahaina for fear that they might once have been in Honolulu waters. We were not allowed to use any salt water while the Beaufort was near us, although she lay two and a half miles to leeward. We had to go in our bare feet, too, for fear that we would get the germs in our socks. We are putting in 1500 tons of coal, as Captain Reid does not know what quantity we may need before reaching the Japanese coast."

## A SUCCESSOR ARRIVES.

Father Damien's Brother Goes to Molokai.

## A PROFESSOR AT LOUVAIN.

Age Nor ill Health Can Deter Him. To Succeed Father Conrady — A Learned Man Responds to the Call of Duty — Other Missionaries.

## SHOPPING BY POST

It is a well-known fact that people's clothes wear out in the country as fast if not faster than in Honolulu. Now there is no need for making a trip to the Capital to renew your stock of wearing apparel.

L. B. KERR, QUEEN ST., HONOLULU,

Has Started A

## POSTAL ORDER DEPARTMENT

and will be pleased to send on request, samples and prices of his celebrated West of England Serges, Scotch Tweeds and Ginghams, India Linens, Dimities and Prints; also Sheetings, Pillowcases, etc. A single yard at Wholesale Prices.

L. B. KERR, P. O. BOX 306, Honolulu, H. I.

## BY AUTHORITY.

the full amount of license money not be paid within ten days from the date of sale.

J. A. KING,

Minister of the Interior.

Interior Office, November 13, 1895.

1707-3t

## POUND NOTICE.

In accordance with Section 1 of Chapter XXXV of the Session Laws of 1888, I have this day changed the location of the Government Pound at Makawao, to Kukuiaco, at a place known at the old site of the Makawao Corn Mill, in the District of Makawao, Island of Maui.

MR. SAMUEL E. KALAWAO has this day been appointed Pound Master for the above Pound.

J. A. KING,

Minister of the Interior.

Interior Office, November 15th, 1895.

1708-3t

The President having proclaimed THURSDAY, NOVEMBER 28th, as a day of National Thanksgiving, the same will be observed as a National Holiday, and all Government Offices throughout the Republic will be closed on that day.

J. A. KING,

Minister of the Interior.

Interior Office, Nov. 16, 1895.

1708-td

T. K. ERI has this day been appointed Poundmaster for the Government Pound at Waimea, in the District of South Kohala, Island of Hawaii, vice J. E. Laau, resigned.

J. A. KING,

Minister of the Interior.

Interior Office, November 18, 1895.

1708-3t

MR. M. NAOLE has this day been appointed Pound Master for Government Pounds at Hana, District of Hana, Island of Maui, vice Lyon K. Kekani.

J. A. KING,

Minister of the Interior.

Interior Office, Nov. 12, 1895.

1706-3t

Owing to the shortness of the present school term, teachers in all Government schools are ordered not to prepare for or hold any Christmas exercises.

By order of the Board of Education.

ALATAU T. ATKINSON,

Inspector General Schools.

4150-1w 1706-2w

CREPE

— AND —

TISSUE

Paper

Flower Materials,  
New Mouldings,

Sheet Pictures,

— AND —

WINDOW POLES.

Artist's Supplies,

ETC.,

JUST IN

King Bros.

HOTEL STREET.

## AUCTION SALE OF AWA LICENSES.

There will be sold at Public Auction on TUESDAY, the 10th

## DINNER AT SANS SOUCI H. A. A. C. ROAD RACE

## Help!

To Consul-General Shimamura of Japan. A General Spill by the Riders On the Way.

## A JOLLY GOOD TIME ALL 'ROUND. SYLVESTER MAKES A WINNING

Champagne and Duties—Speeches Made and Toasts Drunk—Free From Politics—The Advancement of Japanese—Methods and Manners.

Sans Souci was a picture of Orientalism last night when Consul-General Shimamura was tendered a reception by fifty prominent Japanese merchants. The lawn was artistically decorated with Japanese lanterns. The dining-room was a reproduction of a room in a Japanese mansion.

Mr. Ozaki, president of the Japanese Union, made the address of welcome to the new consul-general. Mr. Shimamura was called upon and responded by a short speech, in which he thanked those present for the testimonial of their good fellowship in inviting him to dine with them so soon after his arrival. He felt that their interests had been well looked after by his predecessors, and that there was nothing left for him but to continue in the good way in which they had started. He was not surprised at the progress the Japanese had made here, because it was characteristic of the race. His Government had spent a vast amount of money in educating the young men of Japan in the modern arts and sciences. It had sent them to the four corners of the globe to learn the most modern methods of those branches which would assist them while at peace or war. The benefits of such teachings have been made manifest during the past ten years. Japan which, but a few years ago, was considered a weakling in the world of commerce is today numbered among the strong, and its products will be found in every market in the universe. Progress and Peace are the watchwords of Japan, and while you are citizens of that country, of which you may well feel proud, keep those two words ever before you. You are to progress in your business methods and in the arts and sciences. Do not feel that because our navy is reckoned with the great ones that it was built for the purpose of levying war on weaker or stronger nations. It was built to preserve peace. The education of the Japanese places the people of that nation in a position where they will command respect rather than court displeasure or ridicule. Your actions here, I am satisfied, have proven that, and I am sure the advancement in knowledge that our people have made will aid us materially in still further advancing until we reach the topmost round in the commercial ladder. I thank you, gentlemen, for the kind reception you have given me."

The banquet was an elaborate one and the toasts were numerous. Among those present were Consul-General Shimamura, ex-Consul Shimizu, Dr. Kozima, Dr. Uchida, Goro Narita, J. Takemura, B. Shimiza, G. Igarashi, J. Huga and H. Miziina.

The festivities were over at nine o'clock.

Death of Mrs. William Foster. Mrs. Mary Winter Foster died at the Colonial Hotel, Tuesday, November 5th. She was the wife of Judge William Foster and daughter of the late John S. and Mary M. Winter and sister of Mrs. E. R. Hendry of Honolulu, Alice Winter of Honokaa, Mrs. Albert Horner of Kauai, John W. Winter of Honolulu and Frank L. Winter of Wainaku plantation.

Mrs. Foster came to Honolulu from her home in Galesburg, Illinois, and was a teacher in the Fort-street school. In August, 1885, she was married to William Foster. In February last, owing to failing health, she left with her husband for San Francisco, making their home at the Colonial Hotel. In September last she was attacked with bronchial trouble, which resulted in heart and lung failure.

The funeral took place from Trinity Chapel, on Gough street, in San Francisco, at 11 a. m. on the 7th. Rev. George Wallace, formerly of Honolulu, conducting the services. The pall bearers were W. J. Martin, J. A. Morrow, W. C. Parke, C. W. Ashford, F. G. Skarfe and William Morris. In accordance with the wishes of the deceased she was cremated at the Odd Fellows' Cemetery in San Francisco.

"Steer for the church." Writing of his visit to the To-kolau, Ellice and Gilbert Groups, Captain Hore, of the mission yacht John Williams, says: Very striking was the fact that at every one of these islands the most prominent object on approach is a large white church or schoolhouse (and most of them on the 7th. Rev. George Wallace, formerly of Honolulu, conducting the services. The pall bearers were W. J. Martin, J. A. Morrow, W. C. Parke, C. W. Ashford, F. G. Skarfe and William Morris. In accordance with the wishes of the deceased she was cremated at the Odd Fellows' Cemetery in San Francisco.

Charcoal Irons, Refrigerators, FAIRBANK'S SCALES.

CASTLE & COOKE, Ld. IMPORTERS.

Hardware and General Merchandise.

CASTLE & COOKE, LIMITED, Importers

Hardware

GENERAL MERCHANDISE.

Partial list per Amy Turner of Goods just received from New York.

Wheel Barrows, Road Scrapers, Ox Bows, Hoe Handles, Barbed Wire, Asbestos Cement,

MATTOCKS, Feed Cutters, Lawn Mowers, Forges,

Charcoal Irons, Refrigerators, FAIRBANK'S SCALES.

CASTLE & COOKE, Ld. IMPORTERS.

Hardware and General Merchandise.

That's what we're giving you, help to save you money. By convincing you in plain talk and plain figures that you can SAVE MONEY by buying of us.

## SMYRNA RUGS

\$1.75.

Now you know the price, come and see the rugs.

## NO NEED FOR SLEEPLESS NIGHTS.

Mattresses made over and returned the same day.

Telephone 406, we do the rest.

## ROLLER TOP DESKS

\$40.00.

No office or library complete without one.

One key locks it; 16 small 4 large pigeon holes; 2 small, 8 large drawers. Arm rests.

## HOPP &amp; CO.,

Furniture Dealers,

CORNER KING AND BETHEL STS.

## CASTLE &amp; COOKE

LIMITED,

## Importers

Hardware

AND

## GENERAL

## MERCHANDISE.

Road Scrapers, Ox Bows, Hoe Handles, Barbed Wire, Asbestos Cement,

## HAY AND GRAIN



## OF INTEREST TO MANAGERS OF PLANTATIONS.

A Model Plant is not complete without Electric Power, thus dispensing with small engines.

Why not generate your power from one CENTRAL Station? One generator can furnish power to your Pumps, Centrifugals, Elevators, Flows, Railways and Hoists; also furnish light and power for a radius of from 15 to 20 miles.

Electric Power being used saves the labor of hauling coal in your field, also water, and does away with high-priced engineers, and only have one engine to look after in your mill.

Where water power is available it costs nothing to generate Electric Power.

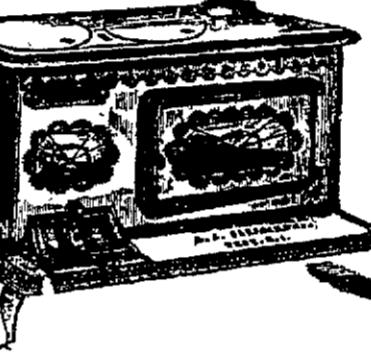
THE HAWAIIAN ELECTRIC COMPANY is now ready to furnish Electric Plants and Generators of all descriptions at short notice, and also has on hand a large stock of Wire, Chandeliers and all Electrical Goods.

All orders will be given prompt attention, and estimates furnished for Lighting and Power Plants; also attention is given to House and Marine Wiring.

THEO. HOFFMANN, Manager.

## JOHN NOTT,

IMPORTER AND DEALER IN



## Steel and Iron Ranges,

STOVES AND FIXTURES.

## Housekeeping Goods,

AND

KITCHEN UTENSILS.

Agate Ware, Rubber Hose,

PUMPS, ETC.

## PLUMBING.

## Tin, Copper &amp; Sheet Iron Work.

## DIMOND BLOCK

KING STREET.

## Your Stock

Will do better on FIRST-CLASS FEED.

## HAY AND GRAIN

BOUGHT OF US

Is the very best at the VERY LOWEST PRICES.

## CALIFORNIA FEED COMPANY

Nouane and Queen Streets.

TELEPHONE 184.

## AN UP-TO-DATE PIANO

Is the famous KROEGER. It is always in the van of improvement. We are showing a

## NEW-STYLE KROEGER

That has recently been put on the market. It is a gem. Liberal discount for cash. Call and see it. It is a beauty.

PIANOS kept in tune for one year gratis. Old instruments taken as part payment. Tuning and repairing a specialty.

T. W. BERGSTROM,

THRUM'S BOOK STORE;

Honolulu, H. I.

## BENSON, SMITH &amp; CO.

Jobbing and Manufacturing

## PHARMACISTS.

DEALERS IN

## PURE DRUGS,

Chemicals,

## MEDICINAL PREPARATIONS

AND

## Patent Medicines

At the Lowest Prices.

~~~

## COR. OF FORT AND HOTEL STREETS.

## Metropolitan Market

KING STREET.

~~~

## Choicest Meats

From Finest Herds.

## G. J. WALLER, Proprietor

~~~

## Families and Shipping Supplied

ON SHORT NOTICE

AT THE

## Lowest Market Prices

~~~

All Meats delivered from this market are Thoroughly Chilled immediately after killing by means of a Bell-Coleman Patent Dry Air Refrigerator. Meat so treated retains all its juicy properties and is guaranteed to keep longer after delivery than freshly-killed meat.

## Beaver Saloon.

H. J. NOLTE, - Prop.

Begs to announce to his friends and the public in general that he has opened the above saloon, where

## FIRST-CLASS REFRESHMENTS

Will be served from 3 a. m. till 10 p. m., under the immediate supervision of a competent Chef de Cuisine.

## THE FINEST GRADES OF

Tobaccos,

Cigars, Pipes and

Smokers' Sundries

Chosen by a personal selection from first-class manufacturers has been obtained and will be added to from time to time.

## One of Brunswick &amp; Balke's

Celebrated Billiard Tables

Connected with the establishment, where

lovers of the cue can participate.

## ICE &amp; COLD STORAGE

AT NOMINAL COST.

## HALL'S, London, E. C., Patent Car-bonic and Hydride Refrigerating and

Ice Making Machines, in use through

Australia and New Zealand. By Hall's

process cold-beer dealers, hotels, butchers

and dealers in all kinds of perishable

articles of food can have fitted small

installation machines thoroughly effective,

making their own ice at the same time as

providing cold storage. No previous

knowledge necessary. Any man or woman

can run the machine. Hall's Patent Brine

Walls, portable, may be used in cold stor-age

chamber. See illustrated catalogue.

H. HACKFELD &amp; CO.

## HEALDS

BUSINESS COLLEGE,

24 Post Street, - San Francisco.

FOR SEVENTY-FIVE DOLLARS

This college instructs in Shorthand, Type-

writing, Bookkeeping, Telegraphy, Pen-

manship, Drawing, all the English branches

and everything pertaining to business for

full six months. We have 16 teachers and

give individual instruction to all our pupils.

A Department of Electrical Engineering

Has been established under a thoroughly

qualified instructor. The course is thor-

oughly practical. Send for circular.

C. S. HALEY, Secretary.

## The Liverpool and London and Globe

## INSURANCE COMPANY.

Established 1836.

Assets - - \$42,082,000

Net Income - - 8,079,010

Claims Paid - - 112,509,000

Takes Risks against Loss or Damage by

Fire on Buildings, Machinery, Sugar Mills,

Dwellings and Furniture on the most

favorable terms.

## BISHOP &amp; CO.

NEWSPAPER ARCHIVE®

In the Supreme Court of the Hawaiian Islands.

SEPTEMBER TERM, 1895.

JAMES I. DOWSETT vs. MAUKEALA, NAEA, KAUMAEA, HINA, ELIKAI AND KALUAHILU.

Before JUDD, C. J., FEAR, J., and J. A. MAGOON, Esq., a member of Bar, in place of Bickerton, J., absent from illness.

A new trial will not be granted on the ground that a mixed jury was not drawn alternately as directed by the statute, no objection having been taken to the method of drawing until after the jurors had been examined on their *dire* and accepted, and the party afterwards objecting to such drawing not having been prejudiced thereby.

Tenants were living on an abupua of land by permission of the chief or konohiki under the old tenure previous to the Land Commission. Such possession is presumed to continue to be permissive after the award of title to the owner of the abupua, unless acts are shown which would render the possession adverse.

The defendants contend that the record disclosed a joint judgment against them, whereas their occupation was separate. Held, as the point did not come to the Appellate Court in the bill of exceptions, it cannot be considered.

OPINION OF THE COURT BY JUDD, C. J.

For a statement of the plaintiff's title see Dowsett v. Maukeala et al., 9 Haw. 233. On the last trial of this case the Circuit Judge presiding charged the jury that the evidence showed that the entry of the defendants or their ancestors was a permissive one, they holding subject to the chief or konohiki and that there was no evidence to establish their possession as adverse to the plaintiff, and the jury returned a verdict for plaintiff without leaving their seats. The case comes to us on a bill of exceptions.

The first part of the bill is objectionable because not exhibiting in detail the various exceptions taken during the trial, but referring to them as to appear in the stenographer's notes when prepared. See our decision on such a bill of exceptions in Kapu kela v. Iaes, filed July 28, 1895, and in De Fraga v. Portuguese Mutual Ben. Soc., filed October 18, 1895.

As this bill was allowed before a decision of this Court upon this question, we consider the only point raised in this connection. The case called for a mixed jury. The defendants' counsel claims that the trial court erred in not drawing the names of the Hawaiian and foreign jurors alternately from the box. The clerk's minutes do not agree in every respect with the notes of the stenographer. We account for this from the omission of the stenographer to note, in the discussions between the Court and the counsel for defendants, Mr. Rosa, all that transpired. The best conclusion we can come to is that the objection to the court's allowing the jury to be drawn as it was, that is, all the six Hawaiians first and then six foreigners, was not formally made until after they had been sworn on their *voix dire* and accepted. Without deciding whether the statute which prescribes that the mixed jury must be drawn alternately (Compiled Laws, p. 359) is mandatory or directory, we hold that the objection was waived by accepting the jury. Counsel, if he insisted upon the objection, should have moved that the jury be discharged and a new jury drawn. We cannot find that the method pursued by the court prejudiced the defendants in any way, and we overrule the exception on this point.

The Judge's charge is as follows: "Gentlemen of the jury, this is the third trial of this case, the first trial being before Judge Whiting, for which a verdict for the defendants was rendered. A new trial was granted by Judge Whiting and his order was sustained by the Supreme Court, and the decision of the Supreme Court in that case has now become the law in this case. The trial which took place before myself in November resulted in a disagreement; at that time the plaintiff asked for instructions which practically amounted to the statement of the law of the case as rendered by the Supreme Court, but for fear that there had been evidence different from the trial upon which the decision of the Supreme Court had been based, I declined to give the instructions asked for and sent the case to the jury. After a more careful review of the evidence in the former cases and strict attention to the evidence as given in this case, I am inclined to the opinion that my giving the case to the jury in the former trial was error under the instructions which I did give.

The plaintiff in this case has shown you by a direct chain of paper title that he is the owner of this portion of the abupua of Halawa; those documents are *prima facie* evidence of their contents and would vest the title in the plaintiff subject to any adverse possession which the defendants might have shown you.

Adverse possession is of two or three qualities; first, where a man goes into possession under a paper title with a claim of title; second, by oral agreement; third, as a mere usurper. Where the occupation has been with the permission of the owner of the land, in order that adverse possession may begin to run it is necessary that some direct notice be given to the owner that the occupier is holding hostile to himself.

The statute of limitations which is the basis of adverse claims, is in the nature of a penalty and is never enforced unless it is shown that the owners of the land have slept upon their rights for the period of twenty years.

I feel compelled to instruct you as a matter of law, that the evidence has shown that the entry of these persons or their ancestors was a permissive one; that they held subject to the chief or konohiki, and that there is no evidence to establish adverse possession in this case, the defendants having failed to occupy the land notoriously and completely, — continuously for the requisite period of twenty years adversely to the claim of the plaintiff."

The defendants claim that the court

erred in relying upon the original permissive entry of the defendants' ancestors, such permissive entry ante-dating the award of the Land Commission under which the plaintiff claims. The argument is made that as adverse possession prior to an award of the Land Commission cannot be tacked on to adverse possession subsequent to that date in order to make out the full period of twenty years (Kanaha vs. Long, 3 Haw. R. 332) so the adverse possession cannot be defeated by permissive acts or possession or entries antedating the award. In other words the possession of a person living on land by permission of the chief before he obtained a paper title to the land cannot be considered in law as continuing to have this permissive nature.

We cannot agree with this contention. The Land Commission was a court and had full jurisdiction to settle all claims to land, whether by claimants of the larger divisions of land as divided in ancient times by name, or by the hoaiaus or natives living on the lands under the chiefs. If the Land Commission expired and the hoaiaus or native tenants neglected to present their claims for the parcels of the land which they desired and for which they would ordinarily be awarded a kuleana title, showing merely their occupation of the same as a foundation for it, we think they must be considered as content with their prior status as tenants by permission of the land owner. Such tenancy would therefore, in law, be considered as continuing until some act of theirs changed their holding from the permissive nature to one of an adverse or hostile nature. The evidence shows that the defendants thought they had a right to the land because they had lived on it so long.

The legislation in behalf of the native tenants was extremely liberal. We call especial attention to an Act passed on the 6th August, 1890, where simple titles free of commutation were authorized to be granted to all native tenants or hoaiaus for the land occupied and improved by them whether the same were portions of government lands or land held by the king or any chief or konohiki. House lots, not in Honolulu, Lahaina or Hilo, not exceeding one quarter of an acre, were authorized to be granted and the cultivated ground or kalo lands were limited to those actually cultivated by the applicant. In Oui v. Meek, 2 Haw. 87, this Court held that the Act repealed the former legislation and the ancient tenure, but in the 7th section preserved to the people, whether hoaiaus by ancient custom or kuleana holders, certain specific rights as to take firewood, house timber, thatch, &c., for their own use. Judge Robertson says that this Act had for one of its purposes the protecting the hoaiaus in the enjoyment of certain rights therein enumerated as against the sweeping operation of the konohiki's allodial titles." In Haalea v. Montgomery, Id. 82, the court held that the sale of a portion of an abupua gave to the grantee as a tenant or hoaiaus of the abupua a common right of piscary in the fishing ground adjacent; and that in the meaning of the law regulating fisheries, a tenant was any one occupying "lawfully" any portion of the abupua.

The argument might be made that the grant of these specific rights, attached to all persons living on any abupua, whether kuleana holders or not was inconsistent with their holding as tenants at will of the land owner. This use of the word "lawful" shows that the court did not intend to hold that any person living without right on the abupua whether a kuleana holder or not, had the specific rights granted to the people. To entitle a person to such rights he must be a "lawful" occupier, that is, have some title whether by being the holder of a kuleana, or having purchased a portion of the abupua, as was the case before the court, or by some other lawful tenure. Now, if the hoaiaus so called, without paper title by kuleana, remains on the land after his permissive occupancy has ceased either by notice to quit or by his own act of refusing to return, he cannot be considered as being a "lawful occupier" and entitled to the specific rights of the people above set forth. It seems to us that these specific rights on an abupua must be confined to those who have lawful right to reside there whether upon kuleana or by the will of the owner. To say that the old tenancy by will of the chief or konohiki became an adverse holding as soon as the chief or konohiki received his title to the land and this without notice on the tenant's part that he held thenceforth adversely, would give such person holding thereafter for twenty years, to all intents and purposes, as perfect a title to the land he held as if he had applied for and received a simple title therefor and be thus be saved the expense of procuring such title. The law did not intend thus to favor those who slept upon their rights.

The "Evening Post" was not a sufficient infringement on the "Morning Post" to entitle plaintiff to an injunction. Borthwick v. Evening Post, 37 Ch. D. 449.

"Chatter Box" was an imitation and an infringement of "Chatter Box" both books, gotten up in the same style and both juvenile publications. Estes v. Leslie, 29 Fed. R. 91. "The Northwest News" held no piracy of "The New Northwest." In Oregon, 322 "El Cronista" held no infringement of "El Cronista." Cited in 28 Eng. and Amer. Encyc. of Law, p. 271.

"The New Era" is no infringement of "The Democratic Republican New Era" Bell v. Locke, 8 Paige, 75.

We are not favored upon any allegation in the bill with a view of the two papers so as to ascertain by inspection whether they are so similar in title, size, paper, type, method of folding, etc., as to mislead the casual observer. We have to pass upon the naked allegations in the bill setting out the respective titles. We find that they are certainly not *idem sonans*. Nor would one desiring to buy the "Evening Bulletin," with which is incorporated the "Independent," be likely to be deceived into buying "The Independent" instead of the former.

This point, not having been raised at the trial below and not being certified to us in the bill of exceptions, we do not feel at liberty to consider. We overrule the exceptions.

C. Brown for plaintiff; W. A. Kinney for defendant.

Honolulu, November 12th, 1895.

The New Church.

Rev. T. D. Garvin will probably hold the first service in the new Christian church next Sunday. The Australia brought the windows for the building, and the work will probably be pushed to completion during the present week.

In the Supreme Court of the Hawaiian Islands.

SEPTEMBER TERM, 1895.

A. V. GEAR AND B. L. FINNEY vs. G. C. KENYON AND E. NORRIE.

IN EQUITY.

Before JUDD, C. J., FEAR, J., and Circuit Judge WHITING, who sat in place of Mr. Justice Bickerton, absent from illness.

The title to a newspaper, the "Evening Bulletin," with which is incorporated the "Independent," is not infringed upon by the publication of a newspaper entitled "The Independent."

Property in a trade-mark cannot be acquired or retained independently of the article which it symbolizes. It differs from a copyright or patent, for the owner of these may retain them, though he may have abandoned all intention to make use of them. As expressed by the Court in *Candee, Swan & Co. v. Deere & Co.* 54 Ill. 457, "It is the actual use of the trade-mark affixed to the merchandise of the manufacturer and this alone which can impart to it the element of property." Judge Wallace in *Atlantic Milling Co. v. Robinson et al.* 20 Fed. R. 218, says, "The right to the exclusive use of a word or symbol as a trade mark is inseparable from the right to make and sell the commodity which it has been appropriated to designate as the production or article of the proprietor. It may be abandoned if the business of the proprietor is abandoned."

Intentional abandonment of the use of a trade-mark is intention of the abandonment of the right to the trade-mark.

OPINION OF THE COURT BY JUDD, C. J.

A. V. Gear was the proprietor of a newspaper called the "Independent," B. L. Finney was the proprietor of a newspaper called the "Evening Bulletin." On the 17th June last these two persons formed a partnership, merged the two papers into one and the partnership published a newspaper under the title "Evening Bulletin with which is incorporated the Independent." The defendants thereafter published a newspaper under the title "The Independent."

The plaintiffs' bill against defendants alleges *inter alia* that the plaintiff Gear secured a "copyright" for the title of the newspaper "The Evening Bulletin" with which is incorporated the "Independent," and applied for but failed to secure copyright for the title "The Independent"; that Gear is the original author of the title "Evening Bulletin" with which is incorporated the "Independent"; that on the 24th June last the defendants published a newspaper called "The Independent," though notified by plaintiffs that they would consider it an infringement of their copyright, and that they had never abandoned the title "The Independent," but intended to preserve the same for themselves in their newspaper business, and plaintiffs pray that the defendants may be enjoined from publishing any newspaper under the title "The Independent."

The defendants demurred and the demur was sustained by Circuit Judge Cooper on the points that the bill shows no infringement and shows an abandonment of the title "The Independent." The case comes to us on these points alone, the plaintiffs waiving other points which were ruled in their favor.

A few principles of law may here be stated. The right to a trade-mark is founded upon possession and possession rests upon the mere act of adoption and use. Browne on the law of trade marks, Sec. 46, and cases cited. Registration of a trade-mark is not essential to its ownership nor to the right to sue for an infringement, one object of the statute of registration being to afford a convenient method of proving an adoption of the trade mark; that is, it affords prima facie evidence of ownership. A newspaper title merely does not seem to be an appropriate subject of copyright and therefore the copyrighting by the plaintiffs of the title to their newspaper cuts no figure in this case. Each publication itself may be the subject of copyright, but not the title distinct from the subject matter of publication. The title of a newspaper may possess all the characteristics of a trade mark when the same is a newly coined term or an arbitrary symbol; but that is generally not so." Browne, Sec. 547.

There are numerous cases in which courts of equity have enjoined the use of a title of a newspaper which bears such a similarity to the title of another paper which has the right to it as a trade-mark that the casual reader, not the close observer, would not readily distinguish between the two and would be likely to be deceived or misled into purchasing the one for the other.

To show infringement identity is not essential; similarity is sufficient. 32 Fed. R. 94. A few of the cases we now cite.

The "Evening Post" was not a sufficient infringement on the "Morning Post" to entitle plaintiff to an injunction. Borthwick v. Evening Post, 37 Ch. D. 449.

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We are not favored upon any allegation in the bill with a view of the two papers so as to ascertain by inspection whether they are so similar in title, size, paper, type, method of folding, etc., as to mislead the casual observer.

We have to pass upon the naked allegations in the bill setting out the respective titles. We find that they are certainly not *idem sonans*. Nor would one desiring to buy the "Evening Bulletin," with which is incorporated the "Independent," be likely to be deceived into buying "The Independent" instead of the former.

This point, not having been raised at the trial below and not being certified to us in the bill of exceptions, we do not feel at liberty to consider.

We overrule the exceptions.

Honolulu, November 12th, 1895.

may be lost by voluntary abandonment. Mere non-use is not abandonment. But intentional abandonment of the use of a trade-mark is intention of the abandonment of the right to the trade-mark. Property in a trade mark cannot be acquired or retained independently of the article which it symbolizes. It differs from a copyright or patent, for the owner of these may retain them, though he may have abandoned all intention to make use of them. As expressed by the Court in *Candee, Swan & Co. v. Deere & Co.* 54 Ill. 457, "It is the actual use of the trade-mark affixed to the merchandise of the manufacturer and this alone which can impart to it the element of property." Judge Wallace in *Atlantic Milling Co. v. Robinson et al.* 20 Fed. R. 218, says, "The right to the exclusive use of a word or symbol as a trade mark is inseparable from the right to make and sell the commodity which it has been appropriated to designate as the production or article of the proprietor. It may be abandoned if the business of the proprietor is abandoned."

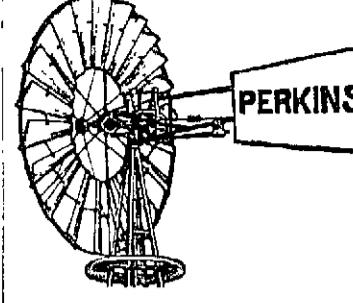
The bill in our opinion shows deliberate abandonment of the publication of the old "Independent" and the use of that name as a trade-mark—but with the intention to retain the ownership of the mark itself. This, as we have seen, is impossible.

The authorities do not consider mere suspension of the manufacture of an article without evidence of an intention to abandon as sufficient to destroy the right. Crowley v. Lightowler, Law Reports, 2 Ch. 478. "It would be absurd to suppose that a person lost his trade-mark by not putting more goods on the market when it was glutted." Mouson & Co. v. Boehm, id. 26 Ch. Div. 406.

But the bill shows not merely the non-use by plaintiff of the newspaper "The Independent" but the publishing of a different paper with a different title, which seems to us to show intention to abandon the title "The Independent." We think the demur was properly sustained. Appeal dismissed.

E. P. Dole for plaintiffs; P. Neumann for defendants.

Honolulu, November 12, 1895.



## THE PERKINS WINDMILL

Is new in this country, but in the United States, THOL SANDS are in use, and on account of their superior strength and easy running qualities, they have taken FIRST RANK among windmills.

We have just received a car load of Mills and can furnish on short notice STEEL GALVANIZED MILLS of 8, 10, and 12-foot diameter and WOOD MILLS of 8, 10, 12, 14, 16 and 18-foot diameter. We have DIRECT MOTION windmills for places where there are steady strong winds, and geared mills which will run in very light winds, but cannot pump so fast as the direct motion mills. Some of our mills have oiled bearings of the most approved kinds, and some the CELEBRATED GRAPHITE BEARINGS, which will run for years without any oil; also STEEL GALVANIZED TOWERS, 30 and 40 feet high.

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And read the description of the geared mills for farmers and stockmen. With the use of shafting and pulleys they can be made to grind corn or barley, cut fodder, turn a grindstone and saw your wood.

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for house or windmill use. We can furnish redwood tanks, also, of all sizes from 600 gallons to 10,000 gallons made in the best way and of the best clear redwood.

The perfect satisfaction that the Perkins Windmills and the Goulds Pumps have given wherever they have been used and properly adjusted is a guarantee of their success. Try the Perkins Mill and get something that will stand the strongest wind and yet work well in the lightest Southerly wind.

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### AGENTS.

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AT HONOLULU	LEAVE HONOLULU	FOR SAN FRANCISCO
San Francisco	For San Francisco	or Vancouver
On or about	On or about	
Australian Nov. 15	Warrimoo Nov. 4	
Mariposa Nov. 21	Oopus Nov. 6	
Mowers Nov. 24	Mon Wah Nov. 14	
Mon Wah Nov. 28	Admiral Nov. 20	
Austra Dec. 9	Warrimoo Dec. 2	
Monowai Dec. 19	City Peking Dec. 1	
Warrimoo Dec. 24	Alameda Dec. 12	
to Peking Dec. 28	Australia Dec. 16	
	1896.	
Mowers Jan. 1		

## Meteorological Record.

BY THE GOVERNMENT SURVEY. PUBLISHED EVERY MONDAY.

Day	Barom.	Therm.	Wind.	Clouds.	W.
Sun	30.00	70.17	W. 10	05	74
Mon	30.00	70.14	W. 10	04	74
Tue	30.00	70.02	E. 10	03	72
Wed	30.00	69.98	E. 10	02	68
Thu	30.00	69.92	E. 10	01	69
Fri	30.00	69.90	E. 10	00	77
Sat	30.00	69.88	E. 10	03	78
Sun	30.00	69.86	E. 10	02	78
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Tue	30.00	69.84	E. 10	00	78
Wed	30.00	69.83	E. 10	03	78
Thu	30.00	69.82	E. 10	02	78
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Mon	30.00	69.78	E. 10	02	78
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Fri	30.00	69.74	E. 10	02	78
Sat	30.00	69.73	E. 10	01	78
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Mon	30.00	69.71	E. 10	03	78
Tue	30.00	69.70	E. 10	02	78
Wed	30.00	69.69	E. 10	01	78
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Thu	30.00	69.54	E. 10	02	78
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Wed	30.00	69.48	E. 10	00	78
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Sun	30.00	69.44	E. 10	00	78
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Thu	30.00	69.05	E. 10	01	78
Fri	30.00	69.04	E. 10	00	78
Sat	30.00	69.03	E. 10	03	78
Sun	30.00	69.02	E. 10	02	78
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Thu	30.00	68.98	E. 10	02	78
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Sat	30.00	68.96	E. 10	00	78
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Mon	30.00	68.80	E. 10	00	78
Tue	30.00	68.79	E. 10	03	78
Wed	30.00	68.78	E. 10	02	78
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Sun	30.00	68.74	E. 10	02	78
Mon	30.00	68.73	E. 10	01	78
Tue	30.00	68.72	E. 10	00	78
Wed	30.00	68.71	E. 10	03	78
Thu	30.00				